

**1 RESOLUTION OF THE STATE BOARD OF LAND COMMISSIONERS
TO IMPLEMENT MANAGEMENT RESTRICTIONS
UPON STATE LANDS LOCATED IN
THE NORTH FORK OF THE FLATHEAD RIVER BASIN**

WHEREAS, the Province of British Columbia and the State of Montana entered into a *Memorandum of Understanding and Cooperation on Environmental Protection, Climate Action, and Energy* (hereinafter referred to as “MOU”) on February 18, 2010; and

WHEREAS, Paragraph 1.A. of the MOU stated that British Columbia and Montana commit to work together to:

“... implement measures necessary to prohibit the exploration for and development of mining, oil and gas, and coal in the British Columbia Flathead and the Montana North Fork Flathead River Basin, such action to be completed by July 2010, and subject to agreement on the equitable disposition of the financial implications of this action for the Province of British Columbia respecting existing mining and coal tenure holders”; and

WHEREAS, Montana and British Columbia originally committed to work together in 2003 upon signing the *Environmental Cooperation Arrangement* to:

“...identify, coordinate and promote mutual efforts to ensure the protection, conservation and enhancement of our shared environment for the benefit of current and future generations” and to “enter into specific arrangements necessary to effectively address shared environmental goals”; and

WHEREAS, the 2005 Montana Legislature passed Senate Joint Resolution 7, resolving: “That the Governor of Montana be urged to negotiate an operating agreement with the Premier of British Columbia that implements in a meaningful and measurable manner the 2003 environmental cooperation arrangement to resolve transboundary issues.”; and

WHEREAS, the State of Montana owns approximately 27 sections of land in the Montana North Fork Flathead, managed by the Department of Natural Resources and Conservation under jurisdiction of the State Board of Land Commissioners; and

WHEREAS, the State Board of Land Commissioners supports the mutual commitment to sustainable management of the land and waters of the North Fork Flathead in partnership with officials in the Province of British Columbia.

NOW, THEREFORE, the State Board of Land Commissioners resolves as follows:

1. Subject to the requirements and restrictions of Article I, Section 10 of the U.S. Constitution, Article X, Section 11 of the 1972 Montana Constitution, and Section 77-5-116, MCA, the Board 2

shall take steps to implement the goals of the February 18, 2010, MOU upon the Coal Creek State Forest and other State lands within the North Fork of the Flathead River Basin.

2. The Board shall impose a stipulation upon all mineral and oil and gas leases issued upon State lands within the Coal Creek State Forest and within the North Fork of the Flathead River Basin. This stipulation will provide for no surface occupancy by any mineral lessee.

3. The Board shall impose a restriction on State lands within the Coal Creek State Forest and within the North Fork of the Flathead River Basin to the effect that any small quarry or sand or gravel operation shall be limited to an area of activity no greater than 4.94 acres in size, and further limited to an annual production of no more than 20,000 tons of material.

Dated this 18th Day of March 2010 by the Board of Land Commissioners.